Request to City Council for the City of Ingleside, Texas

Subject: Ordinance for pre-payment of gasoline / motor fuel prior to dispensing.

Submitted By: Stan Bynum, Chief of Police & Jim Gray, City Manager

Date Submitted To City Manager: 12-2-2014

For The Agenda of: 12-16-2014

Attachments: 1) Pre-Pay ordinance codified as Ch.38 Art. IV Sec.38-50 through 38-55

- 2) Letters of support from all 8 gasoline/fuel retailers within the city.
- 3) CAD call sheet support documents for 88 gas drive off offenses 2013-to present

Approved By City	Manager:
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Summary Statement: While gasoline drive-off thefts have decreased somewhat in recent years, there are still significant resources expended to answer calls, investigate and complete paperwork involving gas drive-offs from fuel dispensing retailers. The simplest and most cost effective solution as all surrounding cities in the area have done is to require retailers to collect pre-payment before dispensing gasoline or diesel fuel.

A written (attached) business survey of all 8 fuel retailers in the city was conducted, and all of them unanimously supported adoption of a city wide ordinance requiring prepayment prior to dispensing motor fuel.

Kecommended Ac	ction: Passage of mo	otor fuel pre-pay or	dinance.	

ORDINANCE NO.	
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AN ORDINANCE OF THE CITY OF INGLESIDE, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF INGLESIDE BY UPDATING REFERENCES TO LAWS AND STATUTES NOW CODIFIED IN VERNONS TEXAS CODES ANNOTED; BY ADDING TO CHAPTER 38 "OFFENSES AND MISCELLANEOUS PROVISIONS" A NEW ARTICLE IV CHAPTER 38-50 THOUGH CHAPTER 38-55. "PREPAYMENT FOR GASOLINE AND DIESEL FUEL" TO PROHIBIT AN OWNER, EMPLOYEE, OR MANAGER/SUPERVISOR OF A RETAIL FUEL BUSINESS FROM ACTIVATING A PUMPING DEVICE TO DISPENSE GASOLINE OR DIESEL FUEL FROM A PUMPING DEVICE WITHOUT RECEIVING PREPAYMENT FOR SUCH GASOLINE OR DIESEL FUEL; PROVIDING A PENALTY NOT TO EXCEED \$500 FOR VIOLATIONS; PROVIDING A DEFENSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

- WHEREAS, a significant number of motorists are driving into business establishments in the City of Ingleside having gasoline and/or diesel fuel pumps located thereon, filling their vehicles and/or containers with gasoline and/or diesel fuel and thereafter immediately driving off without paying for same; and
- WHEREAS, for the year 2013-2014 to date, the City of Ingleside crime statistics showed approximately 88 reported thefts as a result of drive offs without paying for gasoline and/or diesel fuel; and
- WHEREAS, the time spent by the City of Ingleside Police Department investigating these theft reports detracts from proactive policing opportunities in regard to other community matters and time better spent investigating and/or preventing more serious crimes; and
- WHEREAS, the frequency of these crimes results in real and significant costs that are borne by businesses and citizens in the City of Ingleside; and
- WHEREAS, these crimes seriously and significantly adversely impact revenues of owners of those business establishments in the City of Ingleside involving the same gasoline and/or diesel fuel; and
- WHEREAS, the Ingleside City Council finds that gasoline and/or diesel fuel thefts are of serious concern, and should be eliminated to the greatest extent possible,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE, TEXAS:

Article IV Pre-Payment for Gasoline and Diesel Fuel

That Chapter 38 "Offenses and Miscellaneous Provisions", Article IV. "Prepayment of Gasoline and Diesel Fuel", is hereby added to wit: *Cross references: ch. 14; health and sanitation, ch. 54. State law references: Municipality may not enact or enforce law already addressing conduct covered under state Penal Code as offense subject to criminal penalty, V.T.C.A., Civil Practice and Remedies Code § 125.001 et seq.; preemption of criminal offenses by Penal Code, V.T.C.A., Penal Code § 1.08; municipal public health powers, V.T.C.A., Health and Safety Code § 122.006; abatement of health nuisances, V.T.C.A., Health and Safety Code § 341.011 et seq.

Section 38-50. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Employee means person(s) other than the owner or manager/supervisor employed to perform services on the premises of a retail fuel business who have no supervisory responsibilities.

Manager/supervisor means the person(s) granted authority or responsibility by the owner for the operations of the retail fuel business.

Owner means the individual, group, corporation, partnership, joint venture, or other group or entity that owns a retail fuel business.

Payment means payment by any legal means including cash, credit card, debit card, check or otherwise. Presenting a form of payment to be finalized at the conclusion of the transaction shall be considered payment in full.

Section 38-51. Prepayment required for gasoline or diesel fuel dispensed at a retail fuel business; offense; defense.

- a) It shall be unlawful for a retail fuel business owner, manager/supervisor, or employee to knowingly:
 - 1. Activate any gasoline or diesel fuel pumping device prior to receiving payment in full for the gasoline or diesel fuel.
 - 2. Allow or permit any person to dispense gasoline or diesel fuel from a pumping device at a retail fuel business unless the person has first made payment in full.
- b) It shall be a defense if the owner, manager/supervisor or employee of a retail fuel business allows the dispensing of gasoline or diesel fuel for repair and/or testing of the dispensing devices used by the retail fuel business.

Section 38-52. PENALTY

Any business owner, manager/supervisor, or employee who violates any provision of this ordinance shall be subject to a fine of not more than \$500 for each offense.

Section 38-53. REPEALER

This ordinance shall be cumulative of all provisions of ordinances of the City of Ingleside, Texas, except when the provisions of this ordinance are in direct conflict with other provisions of such ordinances, in which event the conflicting provisions of other such ordinances are hereby repealed.

Section 38-54. SEVERABILITY

It is the intention of the City Council of the City of Ingleside that if any phrase, sentence, section or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

Section 38-55. EFFECTIVE DATE

20__.

This ordinance shall be in full force and effect as soon have been met.	n as all necessary p	publication requirements
APPROVED and PASSED on first reading this the _	day of	20
	CITY OF IN	GLESIDE, TEXAS
ATTEST:	Peter Perkins	, Mayor
Kimberly Drysdale, City Secretary		
APPROVED, PASSED and ADOPTED on second re	eading this the	day of

CITY OF INGLESIDE, TEXAS

Peter Perkins, Mayor

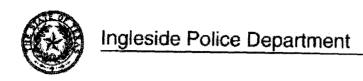
ATTEST:
Kimberly Drysdale, City Secretary
First reading date:
Second reading date:
Publication date:

In order to better serve our residents and businesses, the Ingleside Police Dept. is conducting a survey to determine if businesses that sell gasoline and/or motor fuel would support a city wide pre-pay ordinance requiring payment prior to dispensing fuel as most other cities in the area already do. Thank You for your assistance with this survey.

The management of	Heipes	
	(Name of Store or Merchant)	, , , ==
a city wide ordinance	e requiring pre-pay of mot	or fuels before dispensing.

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Date



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The management of Sam's Stop (Name of Store or Merchant)	_ would support □ would not support
a city wide ordinance requiring pre-pay of motor	fuels before dispensing.

Kathryn Weaver
Managers Mime (printed)

Kathryn Weaver
Signature



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The management of (Name of Store or Merchant) would support would support a city wide ordinance requiring pre-pay of motor fuels before dispensing.

Bochelk Green
Managers Name (printed)

Roccell Chew

12-1-14 Date

Ingleside Police Department

2425 8th Street P.O. Drawer 910 Ingleside, Texas 78362 Phone: (361) 776-2531

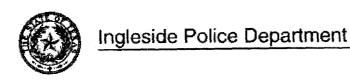
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The management of Or Cook West would support would not support a city wide ordinance requiring pre-pay of motor fuels before dispensing.

Managers Name (printed)

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12/1/14 Date



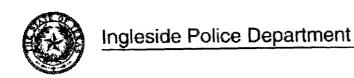
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Musse Huns
Managers Name (printed)

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12)114 Date

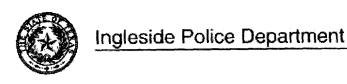


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Conoco BVE Interprise would support would not support (Name of Store or Merchant) a city wide ordinance requiring pre-pay of motor fuels before dispensing.

Signature

12-1-14 Date



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a city wide ordinance requiring pre-pay of motor fuels before dispensi	ng.
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Managers Name (printed)	Date
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Signature	

Police Department

CAD CALLS-FOR-SERVICE QUERY LIST



EVENT CALL TYPE GDO CASE **FINAL TYPE** DATE 01/01/2013 to 12/01/2014 LOCATION

AGENCY#

APT UNIT **RP NAME** CITY DISPOSITION **PHONE**

LOC CMT **RESPONSE AREA ADDRESS**

ZONE

KEYWORD

Related Unit Search Criteria

UNIT **FINAL TYPE** **UNIT DISPO OFFICER ID**

DISPO COMMENT

STATUS

AGENCY

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DATE	EVENT A	GENCY# CASE NO	TYPE	LOCATION	APT	FINAL TYPE ZONE
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04/11/13 00	0:26 1304110002		GDO	2686 MAIN ST N		
	Reporting Party	HUBBART, JENNIFE	ER			
04/23/13 19	9:58 1304230058		GDO	2686 MAIN ST N		
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04/26/13 07	7:03 1304260028	,	GDO	2589 HWY 361		
	Reporting Party	ROUTH, JEREMY				
05/09/13 13	3:51 1305090047	,	GDO	2589 HWY 361		
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05/11/13 06	6:41 1305110023		GDO	2589 HWY 361		
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Police Department

CAD CALLS-FOR-SERVICE QUERY LIST



DATE	EVENT AC	GENCY# CASE NO	TYPE	LOCATION	APT	FINAL TYPE ZONE
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Police Department



CAD CALLS-FOR-SERVICE QUERY LIST

DATE EVENT AGENCY# CASE NO TYPE LOCATION APT FINAL TYPE ZO	
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Reporting Party RODRUEZ, PAUL 07/16/14 07:07 1407160031 GDO 2686 MAIN ST N	
Reporting Party REED, JEFFERY 07/19/14 06:56 1407190055 GDO 2686 MAIN ST N	
Reporting Party JAMES 08/01/14 10:41 1408010059 GDO 2616 HWY 361	
Reporting Party ROSEBERRY, DIANE 08/02/14 16:23 1408020057 GDO 2589 HWY 361	
Reporting Party MADDOX, BRITTANY 08/02/14 16:48 1408020058 GDO 2616 HWY 361	
Reporting Party SOLIS, LEANNA 08/14/14 18:17 1408140063 GDO 2616 HWY 361	
Reporting Party SIMMONS, MARVIN 08/20/14 21:30 1408200063 GDO 2589 HWY 361	
Reporting Party VALERIE 08/28/14 05:52 1408280014 GDO 2686 MAIN ST N	
Reporting Party HERNANDEZ, RAUL	
08/31/14 17:45 1408310065 GDO 2616 HWY 361 Reporting Party RODRIGUEZ, PAUL	
10/04/14 04:05 1410040025 GDO 2589 HWY 361 Reporting Party PARKS, CAMERON	

Police Department



CAD CALLS-FOR-SERVICE QUERY LIST

DATE	EVENT /	AGENCY#	CASE NO	TYPE	LOCATION	APT	FINAL TYPE ZONE
10/04/14 12:51	1410040057			GDO	2589 HWY 361		
	Reporting Part	y DORIS	MAYESD				
10/11/14 16:10	1410110063			GDO	2589 HWY 361		
	Reporting Parl	y GABRIE	L, ROMAN				
10/30/14 07:06	1410300033			GDO	2589 HWY 361		
	Reporting Part	y ROMAN					
11/01/14 07:05	1411010053			GDO	2686 MAIN ST N		
	Reporting Part	ty HUBBA	RTT, JENNIF	ER, CLERK			
11/07/14 19:10	1411070070			GDO	2686 MAIN ST N		
	Reporting Part	ty MADDO	X, BRITTAN'	Y			
12/01/14 09:20	1412010035			GDO	2589 HWY 361		
	Reporting Part	ty RANDA	LL, PAM				

TOTAL CALLS: 88